REMARKS

Claims 1-22 are pending.

Claims 1-22 are rejected.

Claim 1 is amended to specify that a user's point of progress in the execution of an interactive program is stored in a memory. This storing operation allows a user to restore the user's progress at a later time, such as when the commercial break for a television program ends or a second interactive program is activated. Support for this claim element is found in the specification on page 5, lines 2-17, page 6, line 17 to page 7, line 4, and in other places.

Claim 1 is also amended to clarify the operation of the claimed invention, for example claiming a "commercial break in video programming" instead of a "television commercial break". Other amendments to the claim, like this example, were made as well.

Claim 2 is amended to change "television program" to "video program".

Claim 6 is amended to eliminate the term "pause" from the claimed memory.

Claim 7 is amended to eliminate the term "pause" from the claimed memory.

Claim 13 is amended to change the term "television program" to "video program".

Claim 17 is amended to add subject matter covering the operation of allowing a user to catch up with real time programming, by storing video programming and dropping video frames from such programming such that it may eventually catch up with real time programming. Support for these claim elements are found in the specification on page 15, line 18 to page 16, line 5, and in other places.

Claim 17 is also amended to change terms such as "television program signal" to "video program signal". Other of these type of changes were made to the claim, as well.

Claim 18 is amended to replace "the break detection module" with "a break detection module".

Claim 19 is amended to remove the term "pause" from the claim.

Claim 20 is amended to remove the term "pause" from the claim.

Claim 22 is amended to remove the term "module" from the claim.

No new matter was added to these claims.

I. 35 U.S.C. § 102 Rejection of Claims 1-5 and 14-15

The Examiner rejected Claims 1-5 and 14-15 under 35 U.S.C. §102(b) as being anticipated by Lang et al. (PCT Publication No. WO OO/40025, hereafter referred to as 'Lang'). Applicants disagree with ground of rejection.

Claim 1, as currently amended, recites the claimed features of:
"upon the activation of a second interactive application, said system automatically saves a user's progress in the operation of said interactive program in a memory as to allow the user to use a second interactive application, and
restoring said user's progress of said interactive program by accessing said memory to retrieve information corresponding to said user's progress."

These features are neither disclosed nor suggested in Lang.

Specifically, Lang does not disclose or suggest the elements of saving a user's progress in the use of an interactive program, or that a user's progress may restore their interactive program from saved information in a memory.

The Examiner admits the lack of a memory to store such claimed information by reciting the Tsuchida reference (in the 103 rejection of Claim 6). Please see the Office Action mailed on February 23, 2006 (page 5, 5th paragraph). Hence, a rejection under 102 cannot be sustained in view of the Lang reference by the Examiner's own admission.

Applicants therefore assert the Claim 1 is patentable in view of the cited art of record. Applicants also assert that Claims 2-5 and 14-15 are patentable, as such claims depend on allowable Claim 1. Applicants therefore request that the Examiner remove the rejection to these claims.

II. 35 U.S.C. § 102 Rejection of Claims 17 and 18

The Examiner rejected Claims 17 and 18 under 35 U.S.C. §102(b) as being anticipated by Lang. Applicants disagree with ground of rejection.

Claim 17, as amended, claims the elements of:

"until said interactive application is terminated, wherein
received information corresponding to said video program is stored during part of the period when said interactive application is being used, and
playing back said stored information in said primary area, when said interactive application is terminated, as to drop at least one frame of video from said stored information until said video program can be presented in real time."

These claimed elements are neither disclosed nor suggested in Lang. Specifically, there is no recitation in Lang that when an interactive program is terminated, that there is a framework that provides a user to "catch up" with a real

10

time program by dropping at least one frame of a program that was recorded, while an interactive program is being used.

Applicants therefore assert the Claim 17 is patentable in view of the cited art of record. Applicants also assert that Claim 18 is patentable, as such a claim depends on allowable Claim 18. Applicants therefore request that the Examiner remove the rejection to these claims.

III. 35 U.S.C. § 103 Rejection of Claims 6-8 and 10-13

The Examiner rejected Claims 6-8 and 10-13 under 35 U.S.C. §103(a) as being anticipated by Lang in view of Tsuchida et al. (U.S. Patent Application Publication, 2002/0194593, hereafter referred to as 'Tsuchida'). Applicants disagree with this ground of rejection.

Claim 1, from which Claims 6-8 and 10-13 depend on, incorporates the new elements of storing a user's progress of an interactive program, whereby it is possible to restore "said user's progress of said interactive program by accessing said memory to retrieve information corresponding to said user's progress". That is, a user may operate a second interactive program, and resume the operation of a first program, by restoring such a first program by accessing the saved information.

The combination of Lang with Tsuchida does not disclose or suggest such claimed features. The cited combination of Lang and Tsuchida, as cited to by the Examiner, does disclose a memory 330a (not 310a, as in the Office Action) in Fig. 3 of Tsuchida and a playback engine 430 (not a pause memory) in Fig. 4 of Tsuchida. The operation of such a memory however is not well defined in the specification of Tsuchida, as to disclose that such a memories are used for saving "a user's progress in the operation of said interactive program in a memory as to allow the user to use a second interactive application, and restoring said user's progress of said interactive program by accessing said memory to retrieve information corresponding to said user's progress."

That is, the specification of Tsuchida, when combined with Lang, discloses a memory 330a that is used with the system. The specification however does not disclose how such a memory is used, or whether it is capable of storing a user's progress, as claimed in Claim 1.

Lang with Tsuchida does disclose a system where "specific recorded substitute content" may be paused during the playback of a primary video program (see Tsuchida, paragraphs 74 and 75) by using tags. Such recorded substitute content would be analogous to recorded video programming, where a simple tag can be used for a pause point.

In contrast, Claim 1 discloses that a "user's progress" is saved, whereby a simple position tag couldn't fully save a user's progress. For example, an interactive program (as more specifically claimed in Claim 4) does not represent simple video programming (versus the specific recorded substitute content as disclosed in Lang with Tsuchida). The complexity of the operation of interactive programs (such as word processor, video game, or spreadsheet) cannot use a simple position tag, as disclosed in the Examiner's recited combination because such interactive programs are not simple video sequences as disclosed in Lang with Tsuchida.

Applicants therefore assert the Claims 6-8 and 10-13 are patentable in view of the cited art of record for the reasons listed above. Applicants therefore request that the Examiner remove the rejection to these claims.

IV. 35 U.S.C. § 103 Rejection of Claims 19-21

The Examiner rejected Claims 19-21 under 35 U.S.C. §103(a) as being anticipated by Lang in view of Tsuchida. Applicants disagree with this ground of rejection.

As recited above for Claim 17 (from which Claims 19-21 depend on), there is no disclosure or suggestion in the combination of Lang with Tsuchida that "playing back said stored information in said primary area, when said interactive application is terminated, as to drop at least one frame of video from said stored information until said video program can be presented in real time".

For the reasons given above, Applicants assert that Claims 19-21 are patentable as such claims depend on allowable Claim 17. Applicants request that the Examiner remove the rejection to these claims.

V. 35 U.S.C. § 103 Rejection of Claims 16 and 22

The Examiner rejected Claims 16 and 22 under 35 U.S.C. §103(a) as being anticipated by Lang in view of DeLuca (U.S. Patent 5,973,723) Applicants disagree with this ground of rejection.

For the reasons given above, Applicants assert that Claims 16 and 22 are patentable, as such claims depend on allowable Claim 1 and 17, respectively. Applicants request that the Examiner remove the rejection to these claims.
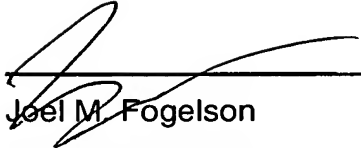
Applicants request a three-month extension under 37 C.F.R. 1.136(a) from the February 23, 2006 date for which this response was originally due. Please charge the fee for this extension, and any other fees owned in connection with this action to Deposit Account 07-0832. ___ _____ ____ __   _

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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